

1 UNITED STATES DISTRICT COURT
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3 DISTRICT OF NEVADA
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5 * * *

6 TERON FRANKLIN,

7 Plaintiff,

v.

8 STATE OF NEVADA, et. al.,

9 Defendants.

Case No. 3:18-cv-00522-MMD-CLB

10 **ORDER DENYING MOTION FOR
11 SUMMARY JUDGMENT WITHOUT
12 PREJUDICE, GRANTING MOTION TO
13 SEAL, AND GRANTING MOTION TO
14 STAY PENDING APPEAL**

15 [ECF Nos. 47, 48, 68]

16 On February 4, 2022, Plaintiff Teron Franklin ("Franklin") filed a notice of appeal
17 and motion to stay case pending appeal, (ECF Nos. 67, 68). Defendants oppose the
18 motion to stay, stating it will unduly delay proceedings and prolong the litigation. (ECF No.
19 71.) No reply was filed.

20 Currently pending is Defendants' motion for summary judgment. (ECF No. 47.) The
21 deadline for Franklin to file an opposition to the motion is currently set for April 8, 2022.
22 (ECF No. 63.)

23 Therefore, to afford the parties an opportunity for full briefing on the dispositive
24 motion and to ensure there is no confusion related to the currently pending appeal,
25 Franklin's motion to stay pending appeal, (ECF No. 68), is **GRANTED**. Defendants' motion
1 for summary judgment, (ECF No. 47), is **DENIED** without prejudice with leave to refile
2 within thirty days following resolution of the appeal. Thereafter, any response to the motion
3 for summary judgment and reply shall be filed in accordance with LR 7-2(b). The motion
4 to seal Franklin's medical records is **GRANTED**. (ECF No. 48.)

5 **IT IS SO ORDERED.**

6 **DATED:** February 25, 2022.

7 
8 **UNITED STATES MAGISTRATE JUDGE**